

REMARKS

In the Office Action, the Examiner rejected claims 1-8 under 35 U.S.C. §102(e) as being anticipated by Postlewaite et al. (U.S. Patent No. 5,854,891). The rejection is fully traversed below. Reconsideration of the application is respectfully requested based on the following remarks.

Claim 34 has been added. Claims 1-8 and 34 are now pending in this application.

IN-PERSON INTERVIEW

The Examiner is thanked for the personal interview conducted on February 25, 2003.

REJECTION OF CLAIMS 1-8 UNDER 35 U.S.C. § 102

The present invention differs from Postlewaite et al. at both the overall concept level and at the detailed implementation level. At the overall concept level, the present invention is an online purchase transaction system that utilizes virtual smart cards and smart card readers. Virtual embodiments are intended to facilitate the market adoption of actual smart cards and smart card readers by customers and merchants. On the other hand, Postlewaite et al. is directed towards computer security systems based upon a database technology. Specifically, a memory module (non-volatile memory 114) stores "enabling data." By accessing such "enabling data," a user is able to access protected software programs and data stored on a computer.

The fundamental differences between the invention and the prior art described above clearly foreshadow the fundamental differences at the detailed implementation level. For example, claim 1 requires a smart card emulator that receives and processes smart card commands. In other words, smart card emulator is a software module that receives, sends, and processes data just like an actual smart card. On the other hand, it is respectfully submitted that Postlewaite et al. fails to teach or suggest a smart card emulator that receives and processes smart card commands. After a quick review, it might be mistakenly understood that Postlewaite et al. teaches "virtual smart cards." However after a closer reading, it is easily seen that the "virtual smart cards" of Postlewaite et al. are simply "enabling data" that are stored in a non-volatile memory device 114. Non-volatile memory device 114 stores "enabling data" read from multiple smart cards so that each smart card need not be used each time enabling data from a smart card is required to access a computer program or data. Therefore, Postlewaite et al. simply teaches a

technique for storing data in memory and accessing such data when it is required. Again, no software module of Postlewaite et al. actually emulates a smart card.

Furthermore, claim 1 requires a pseudo card reader that receives and relays commands to the smart card emulator. In contrast, Postlewaite et al. teaches an actual card reader that interfaces with a real smart card. Again, it might be mistakenly understood that the database querying operations of Postlewaite et al. teach or suggest a pseudo card reader. Specifically, the process of recognition means 120 detecting and verifying enabling data in non-volatile memory 114 is simply a database querying operation. This is very different from and does not teach a pseudo card reader module that interfaces with a smart card emulator.

It is submitted that it has been clearly shown that Postlewaite et al. fails to teach or suggest a pseudo card reader module that interfaces with a smart card emulator. Therefore, it is respectfully submitted that claim 1 is patentably distinct from Postlewaite et al. Since claims 2-8 and 34 depend from claim 1, it is submitted that dependent claims 2-8 and 34 are likewise patentably distinct from Postlewaite et al. for at least the same reasons. Dependent claims 2-8 and 34 contain further limitations that distinguish the present invention from Postlewaite et al. For instance, new claim 34 recites a smart card emulator that is suitable to perform operations relating to crediting and debiting a virtual smart card balance amount.

SUMMARY

It is respectfully submitted that all pending claims are allowable and that this case is now in condition for allowance. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

If any fees are due in connection with the filing of this Amendment, the Commissioner is authorized to deduct such fees from the undersigned's Deposit Account No. 50-0388 (Order No. VISAP016).

Respectfully submitted,
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A handwritten signature in black ink, appearing to read "Phillip P. Lee", with a long horizontal flourish extending to the right.

Phillip P. Lee
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